

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CHRIS LUSBY TAYLOR, et al.,

Plaintiff, CIV-S-01-2407 JAM GGH

VS.

JOHN CHIANG, et al.

Defendant. ORDER

16 On February 23, 2009, the Magistrate Judge filed findings and recommendations
17 herein (Docket at #213) which were served on the parties and which contained notice that any
18 objections to the findings and recommendations were to be filed within ten days. Defendants
19 filed objections on March 9, 2009 (Docket at #218), plaintiffs filed objections on March 9, 2009
20 (Docket at #220), defendants filed a response to plaintiffs' objections on March 19, 2009 (Docket
21 at #222), plaintiffs filed a response to defendants' objections on March 23, 2009 (Docket at
22 #223), and they were considered by the Court. Plaintiff also filed a motion to expedite award of
23 interim attorneys' fees (Docket at #224) which has been considered by the Court.

24 This Court reviews de novo those portions of the proposed findings of fact to
25 which objection has been made. 28 U.S.C. § 636(b)(1); McDonnell Douglas Corp. v.
26 Commodore Business Machines, 656 F.2d 1309, 1313 (9th Cir. 1981), cert. denied, 455 U.S. 920

1 (1982). As to any portion of the proposed findings of fact to which no objection has been made,
2 the Court assumes its correctness and decides the motions on the applicable law. See Orand v.
3 United States, 602 F.2d 207, 208 (9th Cir. 1979). The Magistrate Judge's conclusions of law are
4 reviewed de novo. See Britt v. Simi Valley Unified School Dist., 708 F.2d 452, 454 (9th Cir.
5 1983).

6 The Court has reviewed the applicable legal standards and, good cause appearing,
7 concludes that it is appropriate to adopt the Findings and Recommendations in full. These
8 Findings and Recommendations reflect an extraordinary effort by the Magistrate Judge in
9 deciding the issues presented to him by this motion. More importantly, the Magistrate Judge has
10 gone to great lengths to explain and provide legal support for his Findings and
11 Recommendations. This Court has carefully considered each and every objection raised by both
12 sides to these Findings and Recommendations. It finds no reason to disturb, modify or overrule
13 any part of the 51 page ruling of the Magistrate Judge.¹ His efforts on this matter are sincerely
14 appreciated by this Court. Accordingly, IT IS ORDERED that:

15 1. The Findings and Recommendations filed February 23, 2009, are ADOPTED;

16 2. The reasonable total of \$1,437,602.20 attorneys' fees, \$12,789.00 in paralegal
17 fees, and \$6,201.68 in expenses is awarded; and

18 3. Defendants shall pay these fees and expenses to Plaintiff within thirty (30)

19 days of this Order and provide proof to this Court of such payment.

20 DATED: April 24, 2009

21 
22 J. A. Hendy
23 UNITED STATES DISTRICT JUDGE

24 ¹ With respect to the specific issue of Mr. Culhane's district court hours, this Court agrees
25 with the Magistrate Judge's analysis of Winterrowd v. American General Annuity Ins. Co.,
26 F.3d ___, 2009 WL 367696 (9th Cir. 2009). This Court also specifically adopts the Magistrate
Judge's alternative approach of including Mr. Culhane's district court hours among those deducted
for excessive billing.